

## Message Text

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AMEMBASSY VALLETTA  
AMEMBASSY VIENNA  
AMEMBASSY WARSAW  
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O. 11652: GDS

TAGS: PFOR, CSCE

SUBJECT: CSCE: US POLICY ON CSCE ISSUES

1. SINCE SIGNING OF CSCE FINAL ACT, SOVIETS AND EASTERN EUROPEANS HAVE GRADUALLY DEVELOPED POSITIONS ON IMPORTANT CSCE ISSUES. DEPARTMENT HAS PROVIDED GUIDANCE ON THESE SUBJECTS IN VARIOUS CABLES. PURPOSE OF THIS TELEGRAM IS TO COLLATE OVERALL GUIDANCE ON MAJOR ISSUES FOR USE BY US OFFICIALS, PRINCIPALLY WITH EASTERN OFFICIALS IN WARSAW PACT CAPITALS, BUT ALSO IN DISCUSSIONS ON CSCE WITH COMMUNIST DIPLOMATS IN THE WEST. GUIDANCE SHOULD ALSO PROVE USEFUL IN COMPARING NOTES ON CSCE WITH WESTERN CONFIDENTIAL

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COLLEAGUES. IN CONVERSATIONS WITH EASTERN REPRESENTATIVES YOU SHOULD KEEP IN MIND IMPORTANCE OF CONDUCTING DIALOGUE IN POSITIVE MANNER, WHILE AT SAME TIME CLEARLY STATING US POSITION. YOU SHOULD NOT SEEK OUT EASTERN REPRESENTATIVES TO RAISE THESE ISSUES BUT SHOULD DISCUSS THEM IN COURSE OF NORMAL EXCHANGES. AS FURTHER ISSUES DEVELOP, WE WILL SUPPLEMENT THIS CABLE WITH ADDITIONAL GUIDANCE ON US POLICY. GUIDANCE TRANSMITTED BELOW IS ORGANIZED TO PROVIDE

(A) EASTERN POSITION, (B) US POSITION AND (C) RELEVANT BACKGROUND.

2. QUESTION OF RECIPROCITY AND TRADE-OFFS.

(A) SOVIETS PARTICULARLY HAVE EXPRESSED VIEW THAT FURTHER IMPLEMENTING ARRANGEMENTS ARE NECESSARY IN REGARD TO SOME BASKET III PROVISIONS ON HUMAN CONTACTS AND INFORMATION, BUT HAVE NOT SPELLED OUT WHAT THEY MEAN. A RANKING SOVIET OFFICIAL HAS ALSO NOTED "RECIPROCITY" IN US-USSR ACTIVITIES IN REGARD TO CSCE, WITH IMPLICATION THAT "TRADE-OFFS" MIGHT BE CALLED FOR IN DEALING WITH EASTERN COUNTRIES ON CSCE ISSUES. THEY HAVE NOT, HOWEVER, PRESENTED SPECIFIC PROPOSALS CONCERNING RECIPROCITY EXCEPT IN SOME AREAS OF WORKING CONDITIONS FOR JOURNALISTS WHERE PRINCIPLE OF RECIPROCITY ALREADY ESTABLISHED.

(B) IN SOME SECTIONS OF FINAL ACT, PARTICULARLY IN BASKET II AREAS AND IN BASKET III SECTIONS ON EXCHANGES, THERE ARE VARIOUS FORMULATIONS INDICATING SOME FORM OF FURTHER BILATERAL OR MULTILATERAL IMPLEMENTING ARRANGEMENTS. HOWEVER, WITH FEW EXCEPTIONS, THIS IS NOT THE CASE IN REGARD TO BASKET III PROVISIONS ON HUMAN CONTACTS AND INFORMATION. AS TO RECIPROCITY BETWEEN STATES TO IMPROVE EAST-WEST SITUATION, THIS CONCEPT IS EVIDENT IN VERY BROAD SENSE IN DETENTE PROCESS, INCLUDING CSCE. HOWEVER, IN REGARD TO SPECIFCN FINAL ACT PROVISIONS, WE BELIEVE THESE STAND ON THEIR OWN AND SHOULD BE IMPLEMENTED IRRESPECTIVE OF ACTIONS OF OTHER STATES, EXCEPT WHERE INDICATED IN THE FINAL ACT ITSELF.

(C) BASIC WESTERN POSITION OF PRINCIPLE, OPPOSED BY EAST,  
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DURING CSCE NEGOTIATIONS WAS THAT EACH PROPOSAL SHOULD BE CONSIDERED ON ITS OWN MERITS, AND THAT THERE SHOULD BE NO EAST-WEST "TRADE-OFFS" BETWEEN SPECIFIC ISSUES. "TRADE-OFF" CONCEPT WAS AVOIDED IN NEGOTIATION OF FINAL ACT AND WE DO NOT NOW WISH TO INSTITUTE A BARGAINING PROCESS WHEREBY EACH SIDE DOES SOMETHING IN EXCHANGE FOR SOMETHING FROM THE OTHER SIDE. OUR POSITION OF PRINCIPLE SHOULD CONTINUE TO BE THAT, EXCEPT WHERE SPECIFICALLY INDICATED, CSCE PROVISIONS STAND ON THEIR OWN AND REQUIRE NO QUID PRO QUO.

3. STATUS OF THE PRINCIPLES DECLARATION.

(A) THE SOVIETS AND THEIR ALLIES HAVE SOUGHT TO PORTRAY THE PRINCIPLES DECLARATION AS BEING OF PRIMARY

SIGNIFICANCE IN RELATION TO OTHER SECTIONS OF THE FINAL

AVT, HAVE EMPHASIZED CERTAIN PRINCIPLES WHILE IGNORING OTHERS, AND HAVE SAID THAT THE PRINCIPLES APPLY ONLY AMONG STATES WITH DIFFERENT SOCIAL AND POLITICAL SYSTEMS. FOR EXAMPLE, ONE HIGH-RANKING SOVIET OFFICIAL HAS DESCRIBED THE PRINCIPLES DECLARATION AS THE "CRUX" OF THE FINAL ACT. ALSO, SOVIETS AND EASTERN EUROPEANS HAVE GIVEN SPECIAL PLACE TO PRINCIPLES OF INVIOABILITY OF FRONTIERS AND NON-INTERFERENCE IN INTERNAL AFFAIRS, IN LATTER CAYE IN CONNECTION WITH BASKET III PROVISIONS ON HUMAN CONTACTS AND INFORMATION, WHILE IGNORING PROVISION FOR PEACEFUL CHANGE OF FRONTIERS AND PRINCIPLES OF HUMAN RIGHTS AND SELF-DETERMINATION OF PEOPLES. ANOTHER EXAMPLE WAS THE STATEMENT BY CZECHOSLOVAK FOREIGN MINISTER CHNOUPEK DURING A VISIT TO THE NETHERLANDS IN NOVEMBER THAT THENCSE PRINCIPLES SHOULD BE APPLIED ONLY BETWEEN COUNTRIES WITH DIFFERING SOCIAL/POLITICAL SYSTEMS, A VIEW WHICH MAKES IT POSSIBLE TO RECONCILE THE PRINCIPLES WITH THE BREZHNEV DOCTRINE OF LIMITED SOVEREIGNTY FOR SOCIALIST STATES.

(B) US BELIEVES THAT DECLARATION OF PRINCIPLES ENJOYS NO SPECIAL STATUS IN FINAL ACT, EACH SECTION OF WHICH HAS EQUAL VALUE. MOREOVER, DECLARATION OF PRINCIPLES

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CONTAINS COMMITMENTS NOT ONLY WITH REGARD TO INTERSTATE RELATIONS, BUT ALSO WITH REGARD TO THE OVERALL IMPLEMENTATION OF THE CSCE FINAL ACT (PRINCIPLE X) AND WITH REGARD TO HUMAN RIGHTS WITHIN THE PARTICIPANT COUNTRIES (PRINCIPLE VII). IN US VIEW, URGING FULFILLMENT OF AGREED PRINCIPLES DOES NOT IN ANY SENSE CONSTITUTE INTERFERENCE IN INTERNAL AFFAIRS, AND MANY STATES, INCLUDING COMMUNIST STATES, HAVE A LONG WAY TO GO IN FULFILLING THEIR UNDERTAINGS IN THE PRINCIPLES DECLARATION. WE ALSO BELIEVE FINAL ACT TEXT CLEARLY STATES (PREAMBLE TO PRINCIPLES DECLARATION) THAT PRINCIPLES ARE TO BE APPLIED WITHOUT REGARD TO DIFFERING STATE SYSTEMS.

(C) THOUGH NOT SPECIFIED IN FINAL ACT, EQUAL STATUS OF PRINCIPLESDECLARATION WITH OTHER SECTIONS OF FINAL ACT IS IMPLICIT IN NEGOTIATING HISTORY AND IN VARIOUS PLACES IN THE TEXT. ORIGINAL THREE BASKET AGENDA CONCEPT WAS DEVISED TO GIVE THREE SUBJECT AREAS EQUAL TREATMENT. SOVIET UNION ORIGINALLY DESIRED TO HAVE ONLY PRINCIPLES DECLARATION SIGNED, BUT AT WESTERN INSISTENCE SIGNATURES ARE AT END OF ENTIRE DOCUMENT UNDER FINAL PARAGRAPH

WHICH, IN UNQUALIFIED FASHION, STATES THAT SIGNATORIES

DECLARE "THEIR DETERMINATION TO ACT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN THE ABOVE TREATIES," WITHOUT DIFFERENTIATION AMONG THEM. REGARDING EQUALITY OF INDIVIDUAL PRINCIPLES, THE FINAL ACT STATES THAT ALL PRINCIPLES "ARE OF PRIMARY SIGNIFICANCE" AND COMMITS CSCE PARTICIPANTS TO APPLY THEM ALL "EQUALLY AND UNRESERVEDLY . . . EACH OF THEM BEING INTERPRETED TAKING ACCOUNT OF THE OTHERS." AS TO SELECTIVE APPLICATION OF PRINCIPLES, THE FINAL ACT PROVIDES THAT THE PRINCIPLES WILL BE PUT INTO PRACTICE BY THE CSCE STATES, "EACH OF THEM IN ITS RELATIONS WITH ALL OTHER PARTICIPATING STATES, IRRESPECTIVE OF THEIR POLITICAL, ECONOMIC OR SOCIAL SYSTEMS."

4. CONFIDENCE BUILDING MEASURES.

(A) SOON AFTER SIGNING OF FINAL ACT, US AND NATO ALLIES  
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MADE NOTIFICATION OF SEVERAL MANEUVERS AND WARSAW PACT AND OTHER OBSERVERS WERE INVITED TO ONE OF THESE UNDER THE TERMS OF THE FINAL ACT. WARSAW PACT COUNTRIES DID NOT ACKNOWLEDGE THE INVITATION OR SEND OBSERVERS. THE SOVIET REACTION TO MANEUVER NOTIFICATIONS WAS DEFENSIVE, CLAIMING THAT THE ALLIANCE WAS ENGAGING IN "SABRE-RATTLING" IN WAKE OF HELSINKI, WHILE TAKING ONLY OCCASIONAL NOTE THAT THE MANEUVER NOTIFICATIONS AND INVITATIONS TO OBSERVERS WERE IN ACCORD WITH THE FINAL ACT. ON JANUARY 4, SOVIETS MADE NOTIFICATION OF "CAUCASUS" MANEUVER, HELD NEAR USSR-TURKISH BORDER ON JANUARY 25 - FEBRUARY 6, AND SUBSEQUENTLY INVITED TO IT OBSERVERS FROM BULGARIA, ROMANIA, GREECE, TURKEY AND YUGOSLAVIA.

(B) US BELIEVES CBM'S SHOULD BE IMPLEMENTED TO REDUCE TENSIONS. WE WERE PLEASED TO LEARN OF NOTIFICATION BY SOVIET UNION OF "CAUCASUS" MANEUVER AND OF INVITATIONS TO OBSERVERS TO VIEW MANEUVER. US PLANS TO FULLY IMPLEMENT CBM'S PROVISIONS, AS WE HAVE DONE SINCE SIGNING OF FINAL ACT.

(C) AS IN OTHER CSCE AREAS, WE HOPE TO FOSTER EASTERN IMPLEMENTATION THROUGH POSITIVE APPROACH ON THIS SUBJECT.

5. MOST FAVORED NATION TREATMENT.

(A) SOVIETS AND CZECHOSLOVAKS HAVE COMPLAINED THAT UY DISCRIMINATES AGAINST THEM IN TRADE, AND THAT WITHHOLDING

OF MFN STATUS IS IN CONTRADICTION TO FINAL ACT PROVISIONS ON TRADE. IN THIS REGARD, ONE SOVIET OFFICIAL CITED BASKET II PROVISION THAT STATES "WILL ENDEAVOR TO REDUCE OR PROGRESSIVELY ELIMINATE ALL KINDS OF OBSTACLES TO THE DEVELOPMENT OF TRADE."

(B) US AGREES THAT OBSTACLES TO DEVELOPMENT OF TRADE SHOULD BE REDUCED AND, IF POSSIBLE, ELIMINATED. WE ALSO SUBSCRIBE FULLY TO SOLE ITEM IN FINAL ACT THAT REFERS SPECIFICALLY TO MFN, AND WHICH STATES THAT PARTICIPANTS "RECOGNIZE THE BENEFICIAL EFFECTS WHICH CAN RESULT FOR THE DEVELOPMENT OF TRADE FROM THE APPLICATION

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OF MOST FAVORED NATION TREATMENT." ADMINISTRATION'S EFFORTS IN REGARD TO US LEGISLATION AND MFN ARE WELL KNOWN. IN ANY NEGOTIATIONS WHICH MIGHT BE HELD IN THE FUTURE ON GRANTING OF MFN TO COUNTRIES OTHER THAN THE USSR, US WOULD, OF COURSE, BE INTERESTED IN ENSURING RECIPROCITY OF COMMERCIAL ADVANTAGES, AS PROVIDED IN FINAL ACT. AS TO SOVIET UNION, WE OBTAINED RECIPROCAL COMMERCIAL ADVANTAGES WHEN WE COMMITTED OURSELVES TO GRANTING MFN TO USSR IN 1972 TRADE AGREEMENT. BECAUSE OF TITLE IV OF THE TRADE ACT (JACKSON-VANIK AMENDMENT), HOWEVER, THIS AGREEMENT NEVER ENTERED INTO FORCE AND MFN HAS NOT BEEN EXTENDED. SOME OF THE PROVISIONS OF THE AGREEMENT ARE NEVERTHELESS BEING OBSERVED BY BOTH SIDES.

(C) CONCEPT OF RECIPROCITY (LOCATED IN PREAMBLE TO BASKET II) WAS LINKED BY US TO MFN IN CSCE CONTEXT TO MAINTAIN OUR VIEW THAT IN GRANTING MFN TO ANOTHER STATE, COMMERCIAL ADVANTAGES ACCRUING TO US SHOULD BE EQUAL TO THOSE OBTAINED BY THE OTHER STATE. THIS LINKAGE OCCURS THROUGH PHRASE UNDER "GENERAL PROVISIONS" OF COMMERCIAL EXCHANGES SECTION, WHICH STATES: "RECOGNIZING THAT TRADE REPRESENTS AN ESSENTIAL SECTOR OF THEIR COOPERATION, AND BEARING IN MIND THAT THE PROVISIONS CONTAINED IN THE ABOVE PREAMBLE APPLY IN PARTICULAR TO THIS SECTOR." AS TO OBSTACLES TO TRADE, WE CONSIDER THAT ECONOMIC SYSTEM WHICH PREVAILS IN COMMUNIST COUNTRIES POSES MANY OBSTACLES, INCLUDING CENTRALIZED DECISION-MAKING, PERVERSIVE SECRECY, IMPINGEMENT OF NON-COMMERCIAL CONSIDERATIONS ON TRADE TRANSACTIONS, RESTRICTIONS ON FOREIGN FIRMS, ETC.

#### 6. BREZHNEV PROPOSAL.

(A) AT WARSAW PARTY CONGRESS DECEMBER 9 BREZHNEV, IN CONTEXT OF CSCE, CALLED FOR CONVENING OF "EUROPEAN CONGRESSES AND INTERNATIONAL CONFERENCES ON QUESTION OF

COOPERATION IN SPHERE OF ENVIRONMENTAL PROTECTION,  
DEVELOPMENT OF TRANSPORT, FIELD OF ENERGY AND SO ON."  
HE FOLLOWED THIS UP IN HIS SPEECH TO THE 25TH PARTY  
CONGRESS IN MOSCOW BUT LEFT THE QUESTION OF TIMING VAGUE.

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(B) US IS INTERESTED IN COOPERATION IN ENVIRONMENT,  
TRANSPORTATION, ENERGY AND IN OTHER SPHERES. MANY  
SUBJECTS UNDER THESE CATEGORIES ARE BEING DEALT WITH  
BILATERALLY BETWEEN US AND SOVIET UNION AND EASTERN  
EUROPEAN COUNTRIES. WE ARE ALSO INTERESTED IN COOPERATION  
IN VARIOUS AREAS, BOTH BILATERALLY AND MULTILATERALLY,  
AS INDICATED IN FINAL ACT. THE BREZHNEV PROPOSAL DID NOT  
CONTAIN SPECIFIC DETAILS AND WE CANNOT SEE HOW THE  
PROPOSED CONGRESSES AND CONFERENCES COULD TAKE PLACE, AT  
LEAST IN CSCE CONTEXT, BEFORE 1977 CSCE FOLLOW-UP  
MEETINGS IN BELGRADE WHERE, AS INDICATED IN FINAL ACT,  
FURTHER MEETINGS IN CSCE FORMAT MAY BE CONSIDERED. IN  
OUR VIEW, ECONOMIC COMMISSION FOR EUROPE, WHICH WAY  
ASSIGNED CERTAIN IMPLEMENTATION ROLE IN FINAL ACT, APPEARS  
TO BE BEST FORUM FOR CSCE IMPLEMENTATION OF TYPES OF  
ACTIVITIES APPARENTLY ENVISIONED IN BREZHNEV PROPOSAL.

(C) WE WILL HAVE TO HAVE MORE SPECIFICS OF THE BREZHNEV  
PROPOSAL BEFORE WE CAN ASSESS ITS VIABILITY. IF SOVIETS  
INTEND BREZHNEV PROPOSAL AS FORM OF FOLLOW-UP TO CSCE, WE  
SEE NO POSSIBILITY OF FORMAL CSCE DECISION  
ON THE PROPOSAL UNTIL BELGRADE FOLLOW-UP MEETINGS, WHICH  
ARE SPECIFICALLY INTENDED TO CONSIDER POSSIBILITY OF  
FURTHER MEETINGS IN CSCE FORMAT (AS WELL AS IMPLEMENTATION  
OF THE CSCE RESULTS). VARIOUS PARTICIPANTS COULD BE  
EXPECTED TO OPPOSE ANY MEETINGS BEFORE 1977, AND SOVIETS  
ARE CERTAINLY AWARE OF THIS. FRENCH, FOR EXAMPLE, HAVE  
INDICATED OPPOSITION TO ANY FURTHER MEETINGS IN CSCE  
FORMAT BEFORE 1977. ROMANIANS AND POSSIBLY OTHERS WOULD  
OPPOSE MEETINGS SINCE NO PROVISION WAS MADE IN FINAL ACT  
AS REGARDS PROCEDURES FOR CONVENING SUCH INTERIM  
MULTILATERAL MEETINGS. FINALLY, SOVIETS CERTAINLY REALIZE  
THAT CONVENING OF SUCH

MEETINGS IN CSCE CONTEXT, WITHOUT CONSENSUS TO DO SO, WOULD  
ESTABLISH PRECEDENT WHEREBY OTHER STATES COULD CALL  
FOR SIMILAR MEETINGS TROUBLESOME TO USSR (I.E., ON  
HUMAN CONTACTS AND INFORMATION). BREZHNEV PROPOSAL  
MAY BE PRELUDE TO FORMAL PROPOSAL ON MEETINGS BY SOVIETS  
AT BELGRADE.

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7. HUMAN CONTACTS AND INFORMATION.

(A) MUCH OF US CSCE IMPLEMENTATION ACTIVITY HAS CONCERNED BASKET III PROVISIONS REGARDING HUMAN CONTACTS AND INFORMATION. EASTERN STATES HAVE CHARGED THAT WESTERN INTEREST IS CENTERED ON HUMAN CONTACTS AND INFORMATION, BUT THEY IN TURN HAVE IGNORED ISSUES, OR ATTEMPTED TO DRAG THEIR FEET IN MOST OF THESE AREAS. NEVERTHELESS, SOVIETS AND, TO LESSER EXTENT THEIR ALLIES, HAVE TAKEN SOME RATHER MODEST STEPS, AT LEAST PARTIALLY IN RESPONSE TO WESTERN PRESSURES, TO IMPLEMENT PROVISIONS RELATING TO TRAVEL, WORKING CONDITIONS FOR JOURNALISTS, SOME HUMANITARIAN CASES, ETC.

(B) PRACTICES IN US ON HUMAN CONTACTS AND INFORMATION ARE, BY COMPARISON WITH THOSE IN THE EAST, EXTREMELY LIBERAL AND, IN MOST INSTANCES, ALREADY IN ACCORD WITH CSCE PROVISIONS. PRESIDENT FORD NOTED AT HELSINKI, IN MESSAGE SPECIFICALLY DIRECTED TO EASTERN COUNTRIES, SPECIAL DEVOTION OF AMERICAN PEOPLE AND US GOVERNMENT TO HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AND THUS TO CSCE PLEDGES ON FREER MOVEMENT OF PEOPLE, IDEAS AND INFORMATION. WE HAVE BEEN ENCOURAGED BY CERTAIN STEPS THAT HAVE BEEN TAKEN IN EASTERN STATES ON HUMAN CONTACTS AND INFORMATION ISSUES. WE HOPE AND EXPECT THAT MORE PROGRESS WILL BE MADE IN THESE AREAS. IMPLEMENTATION OF HUMAN CONTACTS AND INFORMATION PROVISIONS, TOGETHER WITH IMPLEMENTATION IN OTHER AREAS, WILL HAVE IMPORTANT BEARING ON US ATTITUDES AT 1977 CSCE FOLLOW-UP MEETINGS IN BELGRADE.

(C) POSTS IN WARSAW PACT COUNTRIES MAY SUPPLEMENT PRESENTATION IN 7B ABOVE, ACCORDING TO THE LOCAL SITUATION.

8. VISA POLICY.

(A) IN WAKE OF CSCE, EASTERN OFFICIALS AND MEDIA HAVE COMPLAINED THAT US HAS REFUSED VISAS TO THEIR DELEGATIONS TO CPUSA PARTY CONGRESS AND TO LABOR DELEGATIONS WISHING TO TRAVEL TO US FOR OFFICIAL CONTACT WITH US LABOR GROUPS.

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THEY ALSO CLAIM THAT WESTERN TRAVELERS ARE ISSUED VISAS TO VISIT THEIR COUNTRIES FASTER THAN VISAS ARE ACCORDED THEIR CITIZENS WISHING TO TRAVEL TO WEST, ESPECIALLY THE

US.

(B) US, AS A MAJOR IMMIGRATION COUNTRY, EXERCISES CONTROL OVER ENTRY OF FOREIGNERS THROUGH VISA PROCEDURE.

NEVERTHELESS, MILLIONS OF VISITORS TRAVEL FREELY TO US EVERY YEAR ON US VISAS. ONCE IN US, THERE ARE NO BORDER CHECKS, NO HOTEL POLICE REGISTRATION PROCEDURES, AND NO EXIT VISA REQUIREMENTS. SMALL NUMBER OF TEMPORARY VISITORS' VISAS ARE REFUSED FOR VARIOUS REASONS UNDER US LAW. SOME OF THESE REFUSALS ARE ON THE GROUNDS OF COMMUNIST PARTY MEMBERSHIP. HOWEVER, IN GREAT MAJORITY OF CASES, INCLUDING CASES IN WARSAW PACT COUNTRIES, WAIVERS ARE ROUTINELY GRANTED UNDER THE LAW ENABLING AFFECTED INDIVIDUALS TO TRAVEL TO US. OUR POLICY IS TO GRANT VISAS AS QUICKLY AS POSSIBLE UNDER OUR LAW AND OUR ISSUANCE PROCEDURES.

(C) THERE IS NO STIPULATION IN FINAL ACT CONCERNING NON-ISSUANCE OF VISAS FOR POLITICAL REASONS, OR REGARDING TIME IN WHICH VISAS SHOULD BE ISSUED. THERE IS, HOWEVER, UNDERTAKING THAT PARTICIPATING STATES, IN ORDER TO FACILITATE TRAVEL FOR PERSONAL OR PROFESSIONAL REASONS, INTEND "GRADUALLY TO SIMPLIFY AND TO ADMINISTER FLEXIBLY THE PROCEDURES FOR EXIT AND ENTRY."

9. RADIO BROADCASTING.

(A) EASTERN MEDIA AND SPOKESMEN HAVE ATTACKED BROADCASTS BY RADIO FREE EUROPE, RADIO LIBERTY AND TO A LESSER EXTENT THE VOICE OF AMERICA AS BEING CONTRARY TO SPIRIT OF CSCE AND TERMS OF FINAL ACT. THEY CLAIM THAT CONTENT OF BROADCASTS IS NOT IN KEEPING WITH FINAL ACT STATEMENT THAT RADIO BROADCASTING SHOULD "MEET THE INTEREST OF MUTUAL UNDERSTANDING AMONG PEOPLES."

(B) WE CONSIDER THAT BROADCASTS BY VOA, RADIO LIBERTY, AND RADIO FREE EUROPE ARE FULLY CONSISTENT WITH THE SPIRIT AND THE LETTER OF THE PROVISIONS OF THE FINAL ACT.

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IN FACT, THE FINAL ACT NOTES THE EXPANSION OF INFORMATION BROADCAST BY RADIO AND EXPRESSES THE HOPE THAT IT WILL

CONTINUE. THE FINAL ACT ALSO STATES THAT THE PARTICIPATING STATES "MAKE IT THEIR AIM TO FACILITATE THE FASTER AND WIDER DISSEMINATION OF INFORMATION OF ALL KINDS." ADDITIONALLY, US VIEW IS THAT CSCE FINAL ACT TEXT ON BROADCASTING REFERS TO HOPE FOR REDUCTION IN JAMMING AND DOES NOT MENTION CONTENT OF BROADCASTS.

(C) CSCE LANGUAGE ON RADIO BROADCASTING IS RESULT OF DIFFICULT TWO-YEAR NEGOTIATION, MUCH OF WHICH WAS CONDUCTED BILATERALLY BETWEEN US AND SOVIET REPRESENTATIVES. CENTRAL TO THESE NEGOTIATIONS THROUGHOUT WAS THE QUESTION OF JAMMING. THE FINAL TEXT ON BROADCASTING STATES THAT "THE PARTICIPATING STATES NOTE THE EXPANSION IN THE DISSEMINATION OF INFORMATION BROADCAST BY RADIO, AND EXPRESS THE HOPE FOR THE CONTINUATION OF THIS PROCESS, SO AS TO MEET THE INTEREST OF MUTUAL UNDERSTANDING AMONG PEOPLES AND THE AIMS SET FORTH BY THIS CONFERENCE." PHRASE NOTING "EXPANSION IN THE DISSEMINATION OF INFORMATION BROADCAST BY RADIO" REFERS TO CESSATION OF SOVIET JAMMING OF VOA, TO WHICH SOVIETS HAD DRAWN ATTENTION AT OUTSET OF CSCE. TWO THOUGHTS ARE EXPRESSED IN TEXT REGARDING THIS "EXPANSION": (1) HOPE FOR ITS CONTINUATION; AND (2) THAT CONTINUATION OF THIS "EXPANSION" WILL, OR SHOULD, "MEET THE INTEREST OF MUTUAL UNDERSTANDING AMONG PEOPLES AND THE AIMS SET FORTH BY THIS CONFERENCE." THE LINKING WORDS IN THE TEXT "SO AS TO" MAY BE READ TO MEAN EITHER THAT THE "EXPANSION" WILL MEET THOSE OBJECTIVES, OR THAT IT SHOULD MEET THEM. THIS TEXTUAL AMBIGUITY IS THE RESULT OF SOVIET INSISTENCE THAT THE COMMITMENT TO REDUCE JAMMING BE QUALIFIED. IN ANY CASE, HOWEVER, TEXT DOES NOT REFER TO CONTENT OF BROADCASTS, THE AMBIGUITY IN THE TEXT NOTWITHSTANDING. FURTHERMORE, PREAMBLE TO INFORMATION SECTION OF FINAL ACT STATES THAT "THE PARTICIPATING STATES . . . MAKE IT THEPR AIM TO FACILITATE THE FREER AND WIDER DISSEMINATION OF INFORMATION OF ALL KINDS . . ." VOA, RFE AND RL BROADCASTING IS CLEARLY IN ACCORD WITH THIS PROVISION, WHICH ALSO PLACES

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RESPONSIBILITY ON EASTERN STATES "TO FACILITATE THE FREER AND WIDER DISSEMINATION" OF THESE BROADCASTS.

10. AVAILABILITY OF PUBLICATIONS AND FILMS.

(A) SOME EASTERN STATES HAVE DEVELOPED A POSITION ON THE AVAILABILITY OF WESTERN PUBLICATIONS AND FILMS WHICH IS BASED ON THE CONCEPT OF RECIPROCITY. IN RESPONSE TO CRITICISM THAT NOT ENOUGH WESTERN PUBLICATIONS AND FILMS ARE AVAILABLE TO THE PUBLIC IN THE EAST, THEY REPLY THAT THERE ARE MORE WESTERN FILMS AND PUBLICATIONS AVAILABLE IN EASTERN COUNTRIES, THAN EASTERN PUBLICATIONS AND FILMS IN THE WEST. THIS POSITION WAY TAKEN, FOR EXAMPLE, BY GDR POLITBURO MEMBER ALBERT NORDEN IN A PUBLIC STATEMENT ON CSCE AT THE LENINGRAD PEACE CONFERENCE IN NOVEMBER. ALSO, THE SOVIETS

HAVE INDICATED THAT 18 WESTERN NEWSPAPERS WILL BECOME AVAILABLE IN THE USSR; HOWEVER, DISTRIBUTION OF THESE NEWSPAPERS IS LIKELY TO BE HIGHLY RESTRICTED.

(B) WE ARE INTERESTED IN STEPS TO INCREASE THE AVAILABILITY OF FOREIGN PUBLICATIONS AND FILMS IN BOTH THE EAST AND THE US. IN OUR SYSTEM PUBLIC INTEREST DETERMINES THE VOLUME AND AVAILABILITY OF PUBLICATIONS AND FILMS. THIS APPLIES GENERALLY TO FOREIGN PUBLICATIONS AND FILMS, NOT ONLY TO EASTERN PRODUCTIONS; INDEED, IT ALSO APPLIES TO AMERICAN FILMS AND PUBLICATIONS. IN TERMS OF THE CSCE, WE SEE NOTHING IN TEXT OF FINAL ACT REGARDING RECIPROCITY IN VOLUME OF PRINTED AND FILMED MATERIAL.

(C) THIS IS DIFFICULT SUBJECT SINCE IMBALANCE IN AVAILABILITY OF WESTERN MATERIALS IN EAST DOES EXIST. AMONG WESTERN PUBLICATIONS AVAILABLE IN EAST, HIGH PERCENTAGE IS TECHNICAL IN NATURE. WESTERN FILMS ARE OFTEN SELECTED FOR SCREENING IN EAST ON IDEOLOGICAL GROUNDS, AND FILMS THOUGHT TO DEPICT WESTERN "DECADENCE" ARE OFTEN SHOWN ON EASTERN CIRCUIT. GIVEN THE NATURE OF OUR SYSTEM, THERE IS LITTLE US CAN DO TO AFFECT PUBLIC INTEREST IN SPECIFIC FOREIGN PUBLICATIONS OR FILMS.

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ON THE OTHER HAND, SOME INTEREST MAY BE STIMULATED AMONG US PUBLIC THROUGH EASTERN EXHIBITS AND OTHER PROGRAMS CONDUCTED UNDER OUR CULTURAL EXCHANGES WITH THE SOVIET UNION AND EASTERN EUROPEAN COUNTRIES. WE HOPE TO EXPAND ON THESE PROGRAMS AND ARE NEGOTIATING EXCHANGE AGREEMENTS WITH CZECHOSLOVAKIA, HUNGARY AND BULGARIA.

#### 11. FOLLOW-UP MEETINGS.

(A) STANDARD EASTERN POSITION ON 1977 FOLLOW-UP MEETINGS IS TO DOWNPLAY NEED FOR REVIEW AT BELGRADE OF IMPLEMENTATION OF FINAL ACT SINCE END OF CSCE, AND

TO UNDERLINE NEED TO CONSIDER FURTHER SUBJECTS AND MEETINGS.

(B) IMPLEMENTATION HAS BEEN KEYNOTE OF US POLICY IN POST-CSCE PERIOD. THIS POLICY WAS CLEARLY STATED BY THE PRESIDENT AT HELSINKI, AND US ACTIONS SINCE FINAL ACT SIGNING HAVE BEEN GEARED TO IMPLEMENTATION. WE EXPECT ALL CSCE PARTICIPANT STATES TO FULLY IMPLEMENT THE PROVISIONS OF THE FINAL ACT. IN REGARD TO FOLLOW-UP MEETINGS, FINAL ACT SPECIFIES "THOROUGH EXCHANGE OF

VIEWS" ON IMPLEMENTATION OF FINAL ACT SINCE END OF CSCE  
SHOULD BE MAJOR SUBJECT OF THE FOLLOW-UP MEETINGS.  
MEETINGS WILL ALSO CONSIDER POSSIBILITY OF FURTHER  
GATHERINGS IN CSCE FORMAT, AND SUCCESS OF IMPLEMENTATION  
EFFORTS WILL BE A KEY ELEMENT IN FORMING US ATTITUDE  
TOWARD THIS POSSIBILITY.

(C) FINAL ACT PROVIDES THAT PARTICIPATING STATES WILL  
ENGAGE IN "THOROUGH EXCHANGE OF VIEWS" ON IMPLEMENTATION  
OF FINAL ACT AND THAT MATTER OF FURTHER MEETINGS WILL  
ALSO BE CONSIDERED AT TWO MEETINGS IN BELGRADE. THE  
FIRST MEETING, TO CONVENE JUNE 15, 1977, WILL DECIDE THE  
DATE, DURATION AND AGENDA FOR THE SECOND MEETING. THE  
SOVIET UNION AND EASTERN EUROPEAN COUNTRIES IN CSCE  
NEGOTIATIONS INITIALLY FAVORED A STRUCTURED, FORMALIZED  
FOLLOW-UP MECHANISM. THIS POSITION WAS ATTENUATED  
SOMEWHAT BY END OF THE CSCE, EVIDENTLY DUE TO EASTERN  
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WARINESS OF SMALLER STATES USING CSCE FOR THEIR OWN  
ENDS (E.G., MALTA WITHHOLDING AGREEMENT TO DATE FOR  
CSCE STAGE III UNTIL EASTERN AND WESTERN COUNTRIES  
RELUCTANTLY ACCEPTED ITS MEDITERRANEAN FORMULATION), AND  
TO FEAR THAT THEY MIGHT BE SUBJECT TO ATTACK IN  
FOLLOW-UP MECHANISM ON CSCE SUBJECTS TROUBLESOME TO  
THEM (I.E., BASKET III).

12. PUBLICATION AND DISSEMINATION OF THE FINAL ACT.

(A) ALTHOUGH MANY OBSERVERS WERE SKEPTICAL THAT THE  
EASTERN STATES WOULD PUBLISH AND WIDELY DISSEMINATE--  
AS SPECIFIED IN FINAL ACT--TEXT OF A DOCUMENT WITH  
SENSITIVE PROVISIONS ON HUMAN CONTACTS AND INFORMATION,  
SOVIET UNION AND SOME EASTERN EUROPEAN STATES DID SO  
IN THEIR NATIONAL PRESS SOON AFTER FINAL ACT SIGNING.

EASTERN SPOKESMEN, INCLUDING BREZHNEV ON DECEMBER 9,  
HAVE POINTED TO WIDE DISSEMINATION OF FINAL ACT AND  
HAVE CRITICIZED THE WEST FOR NOT DISTRIBUTING IT AS  
WIDELY.

(B) A DEPARTMENT OF STATE PRESS RELEASE WITH FULL  
TEXT OF FINAL ACT WAS ISSUED IN AUGUST AND IS AVAILABLE  
TO AMERICAN PUBLIC. FULL TEXT WAS ALSO PRINTED IN THE  
SEPTEMBER 1 EDITION OF THE DEPARTMENT OF STATE BULLETIN  
AND HAS SINCE BEEN ISSUED BY US GOVERNMENT PRINTING  
OFFICE. IT WILL BE REPRINTED AS REQUIRED IN RESPONSE  
TO DEMAND. BECAUSE OF SUBSCRIPTION LISTS, THESE  
DOCUMENTS HAVE AUTOMATICALLY BEEN SENT TO A LARGE  
NUMBER OF US LIBRARIES, ACADEMIC INSTITUTIONS, MEDIA,

ORGAMIZATIONS AND INDIVIDUALS INTERESTED IN FOREIGN AFFAIRS. IN ADDITION, US FEDERAL REGISTER HAS GIVEN INFORMATION AS TO HOW TEXT OF FINAL ACT MAY BE OBTAINED THROUGH GPO. AS FOR PRIVATE EFFORTS, AMERICAN SOCIETY OF INTERNATIONAL LAW HAS PUBLISHED FULL TEXT OF FINAL ACT IN ITS BIMONTHLY PUBLICATION.

(C) EASTERN POSITION ON FINAL ACT PUBLICATION SEEMS TACTICAL IN NATURE, DESIGNED TO DRAW ATTENTION TO IMPLEMENTATION OF CSCE PROVISION ON PUBLICATION AND CONFIDENTIAL

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DISSEMINATION OF DOCUMENT IN ATTEMPT TO DIVERT ATTENTION AWAY FROM CSCE AREAS SUCH AS HUMAN CONTACTS AND INFORMATION WHERE EAST IS BEING CRITICIZED. SOVIETS AND EAST EUROPEANS OBVIOUSLY HAVE ADVANTAGE IN MECHANICAL PROCESS OF PUBLICATION AND DISSEMINATION OF FINAL ACT THROUGH CONTROLLED NATIONAL PRESS OVER WEST, WHERE PUBLIC INTEREST IN ACT IS, IN ANY CASE, NOT AS WIDE AS IN THE EAST. FOR THIS REASON WE WISH TO AVOID COMPARISONS OF NUMBERS OF COPIES DISTRIBUTED, AND TO CONCENTRATE ON AVAILABILITY OF THE FINAL ACT TO ANYONE WHO WISHES A COPY.

13. LEGAL STATUS OF FINAL ACT.

(A) EASTERN MEDIA AND OFFICIALS HAVE ATTEMPTED IN VARIOUS WAYS TO GIVE ENHANCED FORMAL STANDING TO THE FINAL ACT, OFTEN WHEN REFERRING TO PRINCIPLES ON INVIOABILITY OF FRONTIERS AND NON-INTERVENTION IN INTERNAL AFFAIRS, AND HAVE EVEN LIKENED IT TO A TREATY.

(B) IN US VIEW, FINAL ACT IS STATEMENT OF POLITICAL RESOLVE OR DECLARATION OF INTENT; IT IS NOT AN AGREEMENT LEGALLY BINDING ON GOVERNMENTS. THE FINAL ACT DOES, HOWEVER, CARRY CONSIDERABLE MORAL AND POLITICAL WEIGHT SINCE IT WAS SIGNED BY NATIONAL LEADERS OF PARTICIPATING STATES.

(C) THE LAST PARAGRAPH IN THE FINAL ACT INDICATES THAT THE SIGNATORIES ATTACH "HIGH POLITICAL" (RATHER THAN LEGAL) SIGNIFICANCE TO THE RESULTS OF THE CSCE. IN ADDITION, ONE OF THE FINAL CLAUSES OF THE ACT STATES THAT IT IS "NOT ELIGIBLE FOR REGISTRATION UNDER ARTICLE 102#OF THE CHARTER OF THE UN." SINCE ARTICLE 102 PROVIDES FOR REGISTRATION WITH THE UN OF TREATIES AND INTERNATIONAL AGREEMENTS, THIS CLAUSE SIGNIFIES THAT THE FINAL ACT IS NEITHER A TREATY NOR AN AGREEMENT. ALSO, THE FINNISH GOVERNMENT FORWARDED THE FINAL ACT TO THE UN SYG UNDER COVER OF A LETTER, THE TEXT OF WHICH WAS

I AGREED AMONG ALL CSCE PARTICIPANTS, AND WHICH STATES  
THAT THE ACT IS NEITHER A TREATY NOR AN INTERNATIONAL  
AGREEMENT.  
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## Message Attributes

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